

STATE SENATOR
**JOHNNY
NUGENT**

Indiana State Senate
200 West Washington Street
Indianapolis, Indiana 46204



2004 Post-Session Newsletter

visit my web site at www.in.gov/S43

Prst Std
U.S. Postage
PAID
Indianapolis, IN
Permit No. 7767

Defining Marriage

The traditional definition of marriage has been under attack in courts across America by special interest groups representing the same sex rights lobby. Recently, the Massachusetts Supreme Court ruled that same sex marriages must be recognized under state law. A similar effort is underway in Indiana, as the Indiana Civil Liberties Union has sued on behalf of three same sex couples to have their relationships recognized as marriages in the Hoosier state.

The concept of one man, one woman marriage has been enshrined in our history, our laws, and our religious traditions for thousands of years and I believe it should be protected and promoted. Efforts to legitimize same sex marriage hurt the tradition-

al institution of marriage and open the door to legal challenges in favor of polygamy and other outlandish behaviors.

Indiana law, as well as the law in 37 other states and federal law, currently defines marriage as the union of one man and one woman. However, if these interest groups are successful in their court challenge, an amendment to the Indiana Constitution is the only means available to protect our law and our traditions. Four states currently have such an amendment, and President Bush called for an amendment to the U.S. Constitution in his State of the Union speech, and again recently.

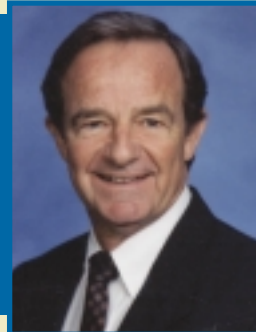
To address this attack on traditional marriage, Senate Joint Resolution 7, which I co-authored, was introduced to amend the Indiana Constitution to define marriage and prevent recognition of same sex couples. SJR 7 would have to be approved by two separately elected general

assemblies and put on a statewide ballot for voter approval before it could become law.

The measure passed the full Senate by a vote of 42 to 7 after several hours of cordial debate and discussion. Unfortunately, when the resolution passed to the House of Representatives for consideration, the Speaker of the House declared that he would allow no public hearing on the matter. In response, House Republicans lobbied for several weeks and attempted a variety of legislative maneuvers to convince the Speaker to reconsider. Unfortunately, the Speaker would not relent, so there will be no opportunity for citizens to vote on the issue until late 2008.

I believe this is a matter which should be addressed by the entire legislature and the citizens of Indiana through a statewide voting referendum, rather than through the actions of an activist judiciary.

Marriage
should be
constitutionally
defined
as the union
of one man
and one woman.



State Senator Johnny Nugent

Serving District 43 — Dearborn, Franklin, Jennings,
Ohio, Ripley & Union Counties



2004 Facts & Figures

The Second Regular Session
of the 113th General Assembly
began on Organization Day,
November 18, 2003,
and adjourned March 4, 2004.

This non-budget year is known as
the "short" session.

Senate bills introduced: 503
Senate joint resolutions introduced: 10

Senate bills passed: 18
Senate joint resolutions passed: 0

House bills introduced: 459
House joint resolutions introduced: 7

House bills passed: 80
House joint resolutions passed: 0

Percent of introduced bills that were
sent to the governor: 10%

For more information
about the General Assembly's
2004 session, visit us online at:
www.in.gov/legislative

Visit my site at:
www.in.gov/S43

Booster Seats:

Sometimes Good Intentions Become Bad Bills

One of the General Assembly's chief concerns is public safety. It is this concern that brings about bills such as House Enrolled Act 1098. HEA 1098 requires a person who operates a motor vehicle to restrain children that are younger than 8 years old in a booster seat.

While I am concerned with child safety in motor vehicles, I am equally concerned with the logistics of implementing this bill. For instance, HEA 1098 does not have a height and weight limit, but rather it has an age limit. This means that any child under 8 must be in a booster seat unless the child can sit in the seat and be properly restrained by a safety belt. The law does not clarify the definition of "proper restraint." A parent may feel that their child is safe, while a police officer may determine the child needs a booster seat. It is entirely subjective. I feel parents should practice all safety measures to protect their children while riding in a vehicle. I simply feel this is a parental responsibility and not one that government should dictate.

No law enforcement officer or ambulance driver wants to arrive at the scene of an acci-

dent and find an injured child. This is why parents should ask that car manufacturers take more responsibility to make child-friendly seat belts. Car manufacturers know that passengers in their vehicles will often be children. Conversely, adoption of a booster seat bill into law might serve as a deterrent for car manufacturers to make safer seat belts.

While we want to keep our children safe, I want to do this without undermining parental responsibility. I also want to keep Hoosiers safe without a government that is over-vigilant, intrusive, and restrictive of individual freedoms.

The booster seat bill passed the General Assembly and will now go to the governor for his signature into law. It is important that all parents, grandparents, aunts, uncles, babysitters, and others who transport children to be aware of this new law. It is scheduled to take effect July 1, 2005.

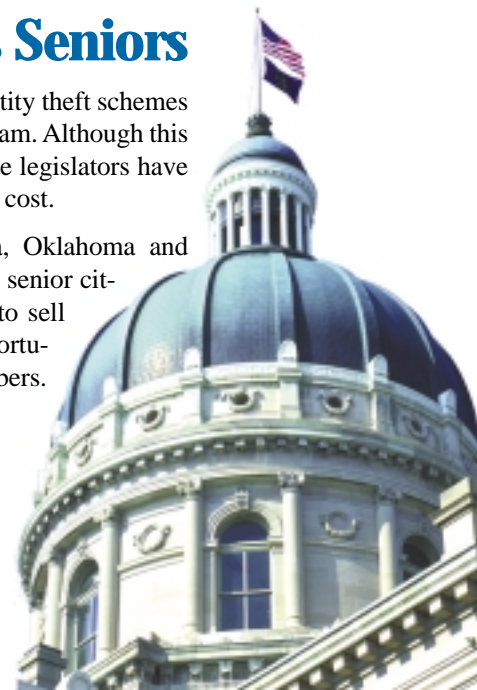
The General Assembly has a responsibility to make laws to address issues that citizens cannot reasonably be expected to handle by themselves. It is reasonable that Hoosier parents are expected to keep their children safe without state intervention.

Medicare Fraud Targets Seniors

Senior citizens should be alert and aware of identity theft schemes that are intended to defraud the Medicare program. Although this program is run by the federal government, state legislators have been alerted to a scam that could carry a devastating cost.

There have been reports in Indiana, Nebraska, Oklahoma and Georgia of individuals going door-to-door to sign up senior citizens for the Medicare Prescription Drug Cards or to sell them Medigap insurance. Seniors are offered an opportunity to sign up in exchange for their Medicare numbers. **MEDICARE DOES NOT GO DOOR-TO-DOOR.**

Call, toll-free, 1-800-986-3505 to report suspected Medicare fraud and abuse. It will ring into your local Area Agency on Aging. Area Agencies are part of the Medicare fraud prevention project called Senior ESP. All suspected fraud and abuse case information is confidential.



DEFENDING HOOSIER GUN OWNERS

“The people shall have a right to bear arms, for the defense of themselves and the State.” Article 1, Section 32 of the Indiana Constitution grants us the freedom to own firearms and store them in our homes. In Indiana, however, if someone is in your home, steals your gun, and injures or kills someone, you can be held liable.

Last April, the Indiana Supreme Court ordered gun owners to store their guns properly in their own homes or face possible lawsuits. We in the Senate want to protect the more than 300,000 gun owners in Indiana who are law-abiding citizens. House Enrolled Act 1349 prevents gun owners from being sued if their guns were stolen and used to commit a crime. It is this reason that I chose to co-author this bill.

Many opponents of this legislation argue that the bill grants too much protection to gun owners, especially those who are reckless in storing their guns. On one hand, gun owners should be responsible for their guns and keep them in safe places away from strangers and known criminals. However, this bill does not protect those who are reckless.

Should you be held liable for the unconscionable acts committed by a criminal simply because your property assisted in that act? Clearly, the legislature believes the answer should be no. The protection afforded in the legislation is no different than if someone were to steal your car, which you legally own, and injure someone with it. The driver, not the owner, maintains liability.

HOUSE ENROLLED ACT 1265 — Establishes a program pooling state employees to negotiate lower prices for bulk purchases of prescription drugs. Applies to schools, state colleges and universities, and cities and towns. **PASSED. My vote: YES**

HOUSE ENROLLED ACT 1349 — Protects Hoosier gunowners from being sued if their guns are stolen by another individual and used to commit a crime. **PASSED. My vote: YES**

HOUSE ENROLLED ACT 1082 — Requires a review of entries in the Missing Children Clearinghouse within 60 days after the review required by laws governing reports made to the National Crime Information Center (NCIC). **PASSED. My vote: YES**

Senators Honor Citizens’ Achievements

The legislative session gives state senators and representatives a chance to author proposals that we feel will be beneficial to the citizens and the state of Indiana. It also gives us an opportunity to honor certain people or events in our communities through resolutions. I authored many of these official declarations this year to recognize the achievements of constituents in our district. On February 17, members of the 1954 Milan High School state championship basketball team came to Indianapolis at my invitation, to be acknowledged for the 50th anniversary of their championship win. I was a freshman at Aurora High School when Milan won the state championship, and I can remember watching these 'Miracle Men' put Ripley County on the map. It only seemed fitting to honor them with Senate Concurrent Resolution 28. The Milan High School state championship was the sole inspiration behind the 1986 movie Hoosiers and has been named one of the top 20 sports teams of the 20th century by Sports Illustrated.

Milan has other reasons to celebrate besides their basketball team. The city also celebrated its 150th anniversary this year. I authored Senate Concurrent Resolution 27 to acknowledge this occasion. There are many reasons why we should commemorate Milan. It is a city rich in history and pride.

This year also marks the 150th anniversary of the city of North Vernon, which was founded in June 1854 by Hagerman Tripp and Hiram Prather. North Vernon is located in Jennings County and has enriched the culture of southeastern Indiana by preserving the small town values upon which the state of Indiana was founded. North Vernon has served Indiana by being the third in the state for railroad traffic because of the Baltimore and Ohio Railroad (B. & O.). Three of the four major railroads during this time had passenger depots in North Vernon. During the 1890s, at least 30 passenger trains crossed through North Vernon every day. It is for these reasons that I wanted to congratulate the citizens of North Vernon by authoring SCR 26.

Senate District 43 has many reasons to be proud. It is my responsibility and my privilege to honor occasions such as these.

HOUSE ENROLLED ACT 1194 — Opens state records regarding a child who died as a result of abuse, abandonment, or neglect. Requires extensive background checks on all members of a household for temporary and permanent placements. **PASSED. My vote: YES**

HOUSE ENROLLED ACT 1229 — Protects consumers from predatory lending. Establishes the homeowner protection unit in the office of the attorney general. Requires home ownership education programs. **PASSED. My vote: YES**

HOUSE ENROLLED ACT 1273 — Amends the comprehensive health insurance association (ICHIA) law concerning premium rates, assessments, tax credits, provider reimbursement, provider contracting, and balance billing. **PASSED. My vote: YES**

Fairness in Funding:



Full-day kindergarten should be implemented the right way.

During last year’s budget session of the General Assembly, education was the legislature’s number one priority. It was the only area in government that was given an increase during these difficult fiscal times. While surrounding states have cut education, Indiana worked hard to provide schools with a 3.3 percent increase in funding for Fiscal Year 2004 and a 2.9 percent increase in 2005. This additional funding has placed Indiana 10th in the country in per pupil spending, a commitment that senators want to be able to keep.

The state has drained every reserve account to make ends meet and provide schools with the money needed to continue essential programs for this budget cycle. The numbers from the most recent revenue forecast show that the state is not recovering as quickly as hoped and that the state needs to be cautious about what we are spending so we can keep the promise we made to our schools.

After an early start to our 2004 session, which officially began in mid-November, the governor suddenly decided that full-day kindergarten would be his top priority when he gave his State of the State address in January.

His first proposal was to fund the partial tuition of 20,000 full-day kindergarten pupils this fall. Parents were expected to pay for a portion of their child’s extra hours at school. The governor proposed several shaky funding mechanisms to cover the remainder, including changing the state constitution to tap into an account reserved for schools’ construction and renovation projects.

When the bill reached the Senate, the majority agreed that the state simply does not have enough money right now to pay for a statewide full-day kindergarten program. All agree that early learning is important, which is why the Senate formed a committee to work this summer to find sustainable funding for the initiative. Unfortunately, Democrats decided that if they couldn’t get funding this year, they were not interested in studying the issue this summer. The bill died in conference committee on the last night of the session.

We believe in Indiana’s children, and we want them to have every opportunity to be successful. That is why it is important to approach new government programs and spending with a critical eye. We must first fund current obligations to public education before committing ourselves to spending more taxpayer dollars.

Indiana is 10th in the nation for per-pupil spending.

Education is the only area of government that received an increase in funding during hard economic times.

Helping the Citizens of Muscatatuck

This session, I authored a proposal that will help certain individuals who worked and retired from the Muscatatuck State Development Center. This measure will allow these people to be eligible for the state employee group health insurance program, if they choose to participate.

Those eligible for this program must have been employed by the Muscatatuck State Development Center on November 1, 2002. They must also have retired under the state’s retirement incentive program that was effective beginning November 1, 2002 and ending June 14, 2003.

Those who find themselves eligible for the program would be responsible for paying for the insurance program, but this measure gives those people an opportunity to take part in the program, if they choose. A portion of the language of House Enrolled Act 1365 is dedicated to this proposal.



Senator Nugent presents a resolution before the Senate honoring the 50th Anniversary of the 1954 Milan Basketball State Championship Team. Many of the players and cheerleaders from the 1954 team were present with Nugent.